HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

THE USE OF INDIGENOUS LANGUAGES IN PROCEEDINGS OF THE HOUSE OF COMMONS AND COMMITTEES

Report of the Standing Committee on Procedure and House Affairs

The Honourable Larry Bagnell, Chair

JUNE 2018
42nd PARLIAMENT, 1st SESSION

Published under the authority of the Speaker of the House of Commons

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Chair

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NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

has the honour to present its

SIXTY-SIXTH REPORT

Pursuant to its mandate under Standing Order 108(3)(*a*)(iii), the Committee has studied the use of Indigenous languages in proceedings of the House of Commons and has agreed to report the following:

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LIST OF RECOMMENDATIONS

As a result of their deliberations, committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the use of Indigenous languages be recognized in the House of Commons according to the process set out in this report. 25

Recommendation 2

That the Board of Internal Economy examine and consider ensuring that expenses on the part of members related to Indigenous language use for the purpose of carrying out their parliamentary functions and duties be authorized under the *Members By-Law*..... 30

THE USE OF INDIGENOUS LANGUAGES IN PROCEEDINGS OF THE HOUSE OF COMMONS AND COMMITTEES

INTRODUCTION

On 25 September 2017, the Standing Committee on Procedure and House Affairs ("the Committee") received a letter from the Speaker of the House of Commons regarding his 20 June 2017 ruling on the use of Indigenous languages[1] in the House. In his letter, the Speaker suggested to the Committee that, if it saw fit, it ought to consider studying the right of members to use Indigenous languages in proceedings in the House.

On 2 November 2017, pursuant to its mandate under Standing Order 108(3)(*a*)(vi), the Committee adopted a motion in relation to a study on the use of Indigenous languages in the proceedings of the House of Commons, and the Committee began its study on the matter on 20 March 2018. For greater certainty, for the purposes of the recommendations in this report, Indigenous languages refers only to Indigenous languages spoken in Canada.

The Committee wishes to thank all those who took the time to participate in this study.

BACKGROUND

A. Summary of the House of Commons Speaker's ruling of 20 June 2017 and related events

On 4 May 2017, Mr. Robert-Falcon Ouellette, MP, the member for Winnipeg Centre, was scheduled to speak in the House of Commons during the time allotted for Statements by Members.[2] Mr. Ouellette decided the topic of his statement would be to address "issues of violence being committed against Indigenous women."[3] In order to give his statement greater impact, he planned to deliver his statement in the Cree language. While Mr. Ouellette had provided documentation to the Parliamentary Interpretation Service

1 The term "Indigenous language" is used throughout instead of "Aboriginal language."

2 Standing Orders 30(5) and 31 provide for a period of 15 minutes where members, except Ministers, who are recognized by the Speaker can make a one-minute statement on virtually any matter.

3 Canada's House of Commons, *Debates*, June 8, 2017.

48 hours prior to his planned statement, he was informed that the service could not "provide a time-appropriate translation"[4] for his statement.

Later that same day, Mr. Ouellette rose during Statements by Members and gave his statement in Cree. However, a simultaneous interpretation of his statement in English and French was not provided to listeners.

On 8 June 2017, Mr. Ouellette rose in the House on a question of privilege to state that, in his view, his privileges had been violated by the fact that other members, and Canadians listening to the proceedings, could not understand the statement he had made on 4 May 2018. He argued that the lack of simultaneous interpretation from Cree to English and French "effectively silenced"[5] him. He asked for the Speaker to rule on his right to use his Indigenous language in the proceedings of the House. He further asked that Parliament provide the resources necessary for him to participate fully, in the Cree language, in his interactions with other members during proceedings.

On 20 June 2017, the Speaker ruled that the matter did not constitute a prima facie case of privilege and provided information to members on the historical and current use of languages in the House.[6] The Speaker noted that the sacrosanct right of members to speak in the House was not being questioned. Instead, the matter being raised was the right for members to be understood immediately when speaking in a language other than one of the two official languages.

The Speaker noted that no prohibition existed on members speaking other languages in proceedings. However, because the House currently had limited technical and physical capacity for interpretation, members speaking a language other than English or French needed to repeat their words in English or French so that the simultaneous interpreters could provide interpretation and, also, to have the statement captured in the Debates.

The Speaker concluded by acknowledging that the current system and process for simultaneous interpretation for languages other than English and French may "not be seen as ideal by some members."[7] However, he could not find that Mr. Ouellette had been prevented from conducting his parliamentary functions in this case.

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4 Ibid.

5 Ibid.

6 Canada's House of Commons, *Debates*, 20 June 2017.

7 Ibid.

On 25 September 2017, the Speaker wrote to the Committee to suggest that it consider studying the right of members to use Indigenous languages in proceedings in the House.

B. Language use in Canada's House of Commons: current legal framework

i. Simultaneous interpretation of English and French in the House of Commons: constitutional protections

The right of members of Parliament to speak in the House of Commons in either English or French is guaranteed by section 133 of the *Constitution Act, 1867,* which states that both English and French may be used in the Parliament of Canada, as well as in its journals and records. Similar language protections are included in the *Canadian Charter of Rights and Freedoms* (Charter), where sections 16 to 19 guarantee the equal status of both languages in Parliament. These sections also mandate that all statutes, records, and journals of Parliament be published in both languages.[8]

The right to use either English or French in Parliament was originally interpreted as the right to use either language, but without a corresponding right to be understood through interpretation or translation. Simultaneous interpretation was introduced in the House of Commons in January 1959, allowing members to communicate and be immediately understood in either French or English.[9]

This practice was later protected under statute. The *Official Languages Act* (OLA) confirms that English and French are the official languages of Parliament, and that the right to use either language in any debates or other parliamentary proceedings is protected. Part I of the OLA also guarantees the right to simultaneous interpretation in debates and other parliamentary proceedings.[10]

ii. Simultaneous interpretation of Indigenous languages in Canada's House of Commons: constitutional considerations

The Committee heard testimony arguing that several sections of the Charter, including Indigenous rights and the right to freedom of expression, support the use of Indigenous language interpretation in the House.

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8 *Constitution Act, 1867*, s. 133.

9 House of Commons, Standing Committee on Procedure and House Affairs, Evidence, 1st Session, 42nd Parliament, Meeting 93, March 20, 2018, 1105 (Mr. Charles Robert, House of Commons). See also Jean Delisle, "50 Years of Parliamentary Interpretation," *Canadian Parliamentary Review*, Summer 2009, p. 27.

10 *Official Languages Act*, Part I.

Section 35 of the Charter recognizes existing Indigenous and treaty rights of the Indigenous peoples of Canada.

Section 2(b) of the Charter protects freedom of expression: freedom of thought, belief, opinion and expression. The Committee heard that the right to freedom of expression includes the ability to use the language of one's choice:

> The "freedom of expression" guaranteed by s. 2 (*b*) of the Canadian *Charter* and s. 3 of the Quebec *Charter* includes the freedom to express oneself in the language of one's choice. Language is so intimately related to the form and content of expression that there cannot be true freedom of expression by means of language if one is prohibited from using the language of one's choice. Language is not merely a means or medium of expression; it colours the content and meaning of expression. It is a means by which a people may express its cultural identity. It is also the means by which one expresses one's personal identity and sense of individuality. The recognition that "freedom of expression" includes the freedom to express oneself in the language of one's choice does not undermine or run counter to the express or specific guarantees of language rights in s. 133 of the *Constitution Act, 1867* and ss. 16 to 23 of the Canadian *Charter*.[11]

The Committee heard that Indigenous rights, and by extension Indigenous language rights, were never extinguished and predate the Charter.[12] Section 22 of the Charter states:[13]

> Nothing in sections 16 to 20 [which define and protect the official languages of Canada] abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Section 25 of the *Charter* states that Aboriginal rights and freedoms are not affected by the *Charter*:[14]

> The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal people of Canada including
>
> a) Any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

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11 *Ford v. Quebec (Attorney General)* [1988] 2 SCR 712

12 House of Commons, Standing Committee on Procedure and House Affairs, Evidence, 1st Session, 42nd Parliament, Meeting 95, March 27, 2018, 1115 (The Hon. Serge Joyal, Senator).

13 *Canadian Charter of Rights and Freedoms*, s 22. Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11.

14 *Canadian Charter of Rights and Freedoms*, s 25. Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11.

b) Any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

The Committee heard that the official language status of French and English should not exclude the use of Indigenous languages in the House.[15] When read together, these Charter provisions suggest that while Indigenous languages may not have the official language status of English and French, they nevertheless have a special status.[16] The Committee agrees that permitting the interpretation of Indigenous languages in the House of Commons would be a reflection of their particular status, rather than a precedent that would open the door to the use of third languages in general.[17]

The Committee also heard that the following sources also support the recognition of Indigenous languages and their use in the House of Commons. Article 13(2) of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) sets out that "states shall take effective measures to ensure that ... indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means."[18] In November 2010, Canada issued a statement of support endorsing UNDRIP[19] and in May 2016, the Minister of Indigenous and Northern Affairs announced "Canada is now a full supporter, without qualification, of the declaration."[20]

Call to Action 13 of the Truth and Reconciliation Commission's Final Report calls for the acknowledgment that Indigenous rights include Indigenous language rights.[21] In December 2015, the Government of Canada accepted the report and stated that the government would fully implement all of the Calls to Action found in the report.[22] In May 2018, the House of Commons gave third reading and passed Bill C-262, the United

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15 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 93, March 20, 2018, 1210 (Mr. Romeo Saganash, member for Abitibi—Baie-James—Nunavik—Eeyou).

16 Joyal, 1225.

17 Joyal, 1115.

18 Saganash, 1210.

19 Indigenous and Northern Affairs Canada, Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples, 12 November 2010.

20 Indigenous and Northern Affairs Canada, Canada Becomes a Full Supporter of the United Nations Declaration on the Rights of Indigenous Peoples, 10 May 2016.

21 Truth and Reconciliation Commission of Canada, Truth and Reconciliation Commission of Canada: Calls to Action, 2012.

22 Statement by Prime Minister on release of the Final Report of the Truth and Reconciliation Commission, 15 December 2015.

Nations Declaration on the Rights of Indigenous Peoples Act. This bill requires the Government of Canada to take all measures necessary to ensure that the laws of Canada are in harmony with UNDRIP.

C. Procedure and practice for use of languages other than English and French in the House of Commons

There are a few references in the Standing Orders of the House of Commons to official languages and other languages, in terms of their use in the proceedings of the House and its committees. These are:

- the Deputy Speaker and Chair of the Committees of the Whole must possess a full and practical knowledge of the official language which is not that of the Speaker (Standing Order 7(2));
- documents distributed or tabled in the House must be in both official languages (Standing Order 32(4)); and
- motions that are seconded must be read in English and French (Standing Order 65).

Also, under the established practice for paper petitions, it is acceptable for a petition to be written in a language other than English or French provided that the text of the petition is also provided in one of the two official languages.[23]

However, the Standing Orders remain silent on the use of languages other than English and French in the debates and proceedings of the House. Over time, the practice that developed was that members could make only short statements in a language that was neither English nor French, as this could create difficulties in maintaining order during debate and adversely affect the accuracy of the written records of the House.[24]

On 15 January 1959, simultaneous interpretation between English and French was introduced in the House of Commons, following the House's approval of the initiative in 1958. Put another way, from 1867 to 1959, a period lasting about 92 years, unilingual members were unable to understand the speeches and interventions made by members during proceedings in the House and its committees where the official language spoken

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23 Marc Bosc and André Gagnon, eds., "Guidelines for Petitions," Chapter 22 in *House of Commons Procedure and Practice*, 3rd ed., House of Commons, Ottawa, 2017.

24 Marc Bosc and André Gagnon, eds., "Manner of Speaking," Chapter 13 in *House of Commons Procedure and Practice*.

was not the language of the unilingual member. Members of the Committee are of the view that all members' ability to effectively carry out their parliamentary functions are adversely affected when they are unable to immediately understand a speech being made by a member in a language recognized by the House other than French and English.

In his June 2017 ruling, the Speaker of the House noted that this right of members to be understood immediately lies at the core of the question of privilege raised by the member from Winnipeg Centre.[25]

In addition to the June 2017 ruling by the Speaker, there have been at least three other instances when the Speaker intervened in debate to provide clarification on the use of other languages in the House. These were:

> **8 December 1964**: Following disorder caused by a member speaking Greek and Latin, the Speaker rose on a brief intervention to caution members that "rather serious difficulties could arise during the discussions of this House" should members speak languages other than the official languages.[26]
>
> **12 and 13 June 1995**: The Deputy Speaker was asked to clarify the use of languages other than English and French in the House. He told members that nothing in the Standing Orders prevented members from using a language in the House that is not one of Canada's official languages.[27] The following day, the Speaker asked a member who delivered part of his speech to the House in a third language to consider responding to questions and comments in either English or French.[28]

For instances when members speak in proceedings of the House and its committees in a language that is neither English nor French, the official transcription[29] will note that a member spoke in a third language and state the language used. If members provide a written, translated transcription of their statement to the Parliamentary Publications Directorate, the translated English and French text will appear in the official transcription. For example, the statement in Cree made by the member from Winnipeg Centre on 4 May 2017 has the following note before the translated text:

> [*Member spoke in Cree and provided the following translation:*]

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25 Canada's House of Commons, *Debates*, 20 June 2017.

26 House of Commons, *Debates,* 8 December 1964.

27 House of Commons, *Debates*, 12 June 1995.

28 House of Commons, *Debates*, 13 June 1995.

29 The verbatim transcription of proceedings in the House of Commons Chamber is the *House of Commons Debates*, and the transcription of proceedings in House committees is the *Evidence*.

If members speak in a language that is neither English nor French and do not provide a written, translated transcription of their statement, the statement made by the member will not appear in the official transcription and the following note is included in place of the statement:

> [*Member spoke in Cree.*]

D. Indigenous language use in legislatures in other jurisdictions

i. Senate of Canada

In April 2008, the Standing Senate Committee on Rules, Procedures and the Rights of Parliament studied the use of Inuktitut and prospectively other Indigenous languages in the Senate. In its report, adopted on division on 14 May 2008, the Committee recommended that the use of Indigenous languages be allowed in the Senate chamber and that interpretation services be made available following proper notice.[30] The Committee recommended an incremental approach towards a greater presence of Indigenous languages in the Senate chamber and in committees:

- First, the Committee recommended the implementation – at the earliest opportunity – of a pilot project of Inuktitut in the Senate chamber.
- Second, the Committee recommended that this practice be gradually extended to the Standing Senate Committee on Aboriginal Peoples and the Senate Standing Committee on Fisheries and Oceans.
- Third, after a reasonable period of experience with Inuktitut, the Committee envisioned a review process yielding recommendations for a permanent solution to the accommodation of other Indigenous languages in the Senate Chamber.

The Committee noted the existence of practical limitations to its objective that Indigenous languages be spoken and understood in the Senate chamber. Specifically, the implementation of its recommendations could be hampered by the lack of availability of qualified interpreters, and issues could arise when seeking to simultaneously interpret Indigenous languages that lack a significant population of current speakers.[31]

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30 Senate of Canada, *Fifth Report of the Standing Committee on Rules, Procedures and the Rights of Parliament*, 2nd Session, 39th Parliament, 9 April 2008.

31 Ibid.

Following the adoption of the report in May 2008, a number of statements have been made by senators in Inuktitut.[32] While the recommendations were not fully implemented, the Senate does allow the use of Inuktitut during its proceedings and that language has been used a number of times.[33]

Under the current practice, a senator wishing to speak in Inuktitut must give reasonable notice[34] in order for the Chamber Operations and Procedure Office to arrange for simultaneous interpretation in both official languages. Interpretation is arranged by the Parliamentary Interpretation Services. Where possible, a copy of the remarks is provided in English and French to facilitate interpretation. In most cases, simultaneous interpretation is provided from Inuktitut to English, with English used as the relay language[35] for the French simultaneous interpretation.

ii. Legislative Assembly of the Northwest Territories

Indigenous languages have equal status alongside English and French as official languages of the Northwest Territories (NWT).[36] The Northwest Territories' *Official Languages Act*[37] (NWTOLA) was amended in 1990 to recognize a total of nine official Indigenous languages, along with French and English, as the official languages within institutions of the Legislative Assembly and the government of the NWT.[38] The NWTOLA recognizes that many languages are spoken and used by the people of the NWT and commits to the preservation, development and enhancement of Indigenous languages.

The nine Indigenous languages recognized by the NWTOLA belong to three different language families: Dene, Inuit and Algonquian/Cree. The five Dene languages are Chipewyan, Gwich'in, North Slavey, South Slavey and Tłı̨chǫ Yatıì. The three Inuit languages are Inuinnaqtun, Inuktitut and Inuvialuktun. The Algonquian language is Cree.

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32 Senate of Canada, *Senate Procedure in Practice*, June 2015, p. 84.

33 Senate of Canada, *Senate Procedure in Practice*, June 2015, p. 84.; Robert 1110.

34 Reasonable notice is not defined; the intention of the term "reasonable" is to provide for flexibility in finding available and qualified simultaneous interpreters.

35 In order to receive simultaneous interpretation in language C, language A is translated into language B and language B into language C. In this example, the relay language is language B.

36 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 95, March 27, 2018, 1210 (The Hon. Dennis Glen Patterson, Senator).

37 *Official Languages Act*, R.S.N.W.T. 1988, c.O-1.

38 Steven Nitah, 'One Land –Many Voices,' *Canadian Parliamentary Review*, Vol. 25, No. 3, 2002.

Under the NWTOLA, a person has the right to use any official language in the debates and other proceedings of the Legislative Assembly; the acts, records and journals of the Assembly must be printed in English and French; and the territory's Commissioner in Executive Council may order that any Act be translated in one or more official languages in addition to English and French. In addition, the broadcast coverage of Assembly proceedings is provided in different languages on a rotational basis and attempts are made by the Assembly to achieve equality of status and equal right and privileges for all official languages. The sound recordings of the public debates of the Legislative Assembly can be made available upon reasonable request.

The NWT Legislature chamber has three permanent interpretation booths and the ability to provide interpretation in three official languages at a time. These languages are rotated weekly, with Tłı̨chǫ Yatıì provided on a permanent basis, as the current Speaker speaks that language. Altogether, there are three current members of the Legislature who regularly speak an Indigenous language during proceedings.[39]

With respect to process, at the start of each Legislature, the Office of the Clerk consults with each member to determine his or her service level requirements concerning languages. An official language will be given one of three designations:[40]

1. Essential: A member indicates that he or she has limited to no ability in English and/or has some fluency in English but prefers to use another official language where possible. For essential languages, simultaneous interpretation services for the member are made available during all sittings of the Legislature and all committee meetings at which the member is scheduled to attend.

2. Provisional: A member indicates that he or she is fluent in English but wants to use another official language at times during Assembly proceedings. For provisional languages, every effort will be made to provide interpretation services when reasonable advance notice is given (generally at least four hours' notice) to the Office of the Clerk that such language services are requested by a member.

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39 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 95, March 27, 2018, 1235 (Ms. Danielle Mager, Northwest Territory Legislative Assembly).

40 Mager, 1235; Northwest Territories Legislative Assembly, 18th Legislative Assembly of the Northwest Territories - Members' Handbook.

3. Non-essential: An official language will be designated as non-essential where no member indicates the ability to use the language during Assembly proceedings. In such instances, interpretation languages will not be made available as a matter of routine practice.

The use of official languages is referenced twice in the *Rules of the Legislative Assembly*. Under Rule 38, dealing with Statements by Members, a member of the Legislative Assembly (MLA) who wishes to speak in more than one official language must provide the Speaker with written notice at least one hour prior to making his or her statement. An MLA speaking in two languages is permitted an extra 30 seconds for his or her statement and must speak for at least 30 seconds in a second language. Interpreters in the NWT Legislature do not use relay languages.

Lastly, documents can be presented and tabled in the Chamber and circulated in committee without being translated into all languages used in the Legislature.

iii. Nunavut Legislative Assembly

Section 3 of Nunavut's *Official Languages Act*[41] (NOLA) designates "Inuit Language, English and French" as the official languages of Nunavut. Nunavut's *Inuit Language Protection Act*[42] defines the Inuit language as Inuinnaqtun and Inuktitut. The NOLA protects the use of Nunavut's official languages in the debates and other proceedings of its Legislative Assembly. Under section 5 of the NOLA, the acts of the Legislative Assembly must be printed and published in English and French, while an Inuktitut version of a bill must be made available when the bill is introduced. Nunavut's Commissioner in Executive Council may order any act to be published in an Inuit language.

Simultaneous interpretation between the Inuit language (Inuktitut and Inuinnaqtun) and English has been provided in the chamber since the Assembly's first sitting on 1 April 1999.[43]

The *Rules of the Legislative Assembly of Nunavut* contain a number of provisions concerning the translation of documents. Ministers' statements, the budget address and all motions must be provided in the official languages of Nunavut. Officials at Nunavut's Legislative Assembly note that, in practice, most documents provided to MLAs at

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41 Consolidation of Official Languages Act, S.Nu. 2008, c. 10.

42 Consolidation of Inuit Language Protection Act, S.Nu. 2008, c. 17.

43 House of Commons, Standing Committee on Procedure and House Affairs, Evidence, 1st Session, 42nd Parliament, Meeting 96, April 17, 2018, 1115 (Mr. John Quirke, Nunavut Legislative Assembly).

committee meetings and caucus meetings are in both Inuktitut and English.[44] Documents may be tabled when available in only one language, with the requirement that translations will follow. The Legislature's *Hansard* is produced in both Inuktitut and English and the Legislative Assembly's proceedings are televised in a mixture of languages (Inuktitut, Inuinnaqtun and English). The televised hearings of committees also have simultaneous interpretation as do most in camera committee meetings and caucus meetings.[45]

Nunavut's legislature is composed of a mixture of unilingual and bilingual MLAs. The Committee heard that approximately 20% of former and current MLAs are unilingual English speakers, 10% are unilingual Inuit speakers, and 70% are bilingual in English and an Indigenous language.[46] Consequently, simultaneous interpretation between the Inuit language and English has been provided at every sitting of the Legislative Assembly as a practical necessity to ensure that all members can understand one another during proceedings.[47] While the NOLA guarantees the right of all MLAs to use either the Inuit language, English, or French during proceedings, there is no statutory requirement to provide simultaneous interpretation.

Simultaneous interpretation is provided by interpreters in two booths: Inuinnaqtun–English in one booth and Inuktitut–English in the other. When it is anticipated that another language will be spoken during proceedings, additional interpreters are engaged in advance, and English is used as the relay language.[48]

Officials at Nunavut's Legislature noted that one challenge in providing simultaneous interpretation between the official languages of the territory is that there are a limited number of interpreter-translators who work in the Inuit language. The Legislature has partnered with the Interpreter/Translator Program at Nunavut Arctic College to increase the number of professionally trained translators able to work in Inuit languages, English and French.[49]

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44 Information provided through correspondence between the author and staff at Nunavut's Legislative Assembly.

45 Ibid.

46 Quirke, 1110 and 1115.

47 Quirke, 1115.

48 Ibid.

49 Quirke, 1120.

iv. Yukon Legislative Assembly

Section 3(1) of Yukon's *Languages Act*[50] (YLA) protects the right to use English, French, or one of the eight Yukon Indigenous languages in the debates and other proceedings of the Legislative Assembly.[51] Under section 3(2) of the YLA, the Legislative Assembly or a committee, when so authorized by the Legislative Assembly, can make orders concerning the translation of the records and journals of the Legislative Assembly, *Hansard*, the Standing Orders and all other official proceedings.

Currently, the Legislative Assembly does not provide simultaneous interpretation in the Chamber or in committees. Furthermore, the official records of the Legislative Assembly are made available in English only, as the Legislative Assembly has not adopted a resolution pursuant to section 3(2) of the YLA.

Documents used in the parliamentary proceedings at the Legislative Assembly can be presented and tabled in the official languages of the territory. However, officials at the Legislative Assembly note that the ability of the Legislative Assembly to provide translations of such documents depends on available resources and that the Legislative Assembly partners with the territory's Language Services Directorate to translate documents that are not covered by section 3(2) of the YLA.

Under section 4 of the YLA, acts and regulations passed by the Legislative Assembly must be printed and published in English and French.

v. Scottish Parliament

The Scottish Parliament Standing Orders provide that English is the usual language of parliamentary business, but members may speak in Scots Gaelic, or in any other language, with the agreement of the Presiding Officer. There are currently two members of the Scottish Parliament (MSPs) who are fluent in Scots Gaelic.[52]

The *Gaelic Language (Scotland) Act 2005* established Scots Gaelic as an official language of Scotland with a protected status. It also places duties on public bodies to provide Gaelic Language Plans, which are meant to aid in the security and future growth of Gaelic.[53]

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50 Languages Act, RSY 2002, c. 133.

51 House of Commons, Standing Committee on Procedure and House Affairs, Evidence, 1st Session, 42nd Parliament, Meeting 95, March 27, 2018, 1240 (Mr. Floyd McCormick, Yukon Legislative Assembly).

52 Scottish Parliament Rule 7.1.1. House of Commons, Standing Committee on Procedure and House Affairs, Evidence, 1st Session, 42nd Parliament, Meeting 101, May 3, 2018, 1145 (Ms. Bronwyn Brady, Scottish Parliament).

53 Gaelic Language (Scotland) Act 2005, 200 asp 7.

Gaelic Language Plans set out which documents must be translated into Gaelic, and specify that MSPs may use Gaelic in debates, provided they have obtained prior approval from the Presiding Officer or in committees, with prior approval from the convener (committee chair).

Similarly, anyone invited to address Parliament, and committee witnesses, may use Gaelic with prior approval. Two weeks' notice is requested prior to the planned use of Gaelic to ensure the availability of an interpreter.[54] Gaelic translation and interpretation for parliamentary business are provided through external contractors.[55]

Furthermore, bills may be published in Gaelic with the approval of the head of the Chamber and Reporting Group, and committee reports may be published in Gaelic with the approval of the head of the Committees and Outreach Group. Proposals for bills, motions, amendments and questions may be submitted with a Gaelic translation, which will be published with the English version. Where Gaelic is used in debates or committees, the Gaelic text appears in Hansard ahead of the English interpretation.[56]

vi. United Kingdom House of Commons

The *Welsh Language Act 1993*, as passed by the United Kingdom (U.K.) Parliament, deals with the use of the Welsh language within Wales. Its provisions were updated by the *Welsh Language (Wales) Measure 2011*, which confers official language status to the Welsh language in Wales. Both statutes require that the Welsh and English languages be treated equally in the conduct of the proceedings of the National Assembly for Wales.[57]

By practice and precedent, speeches in the U.K. House of Commons Chamber must be made in English. Members are typically permitted to quote brief statements in other languages, though a translation should be provided.[58]

The Standing Orders of the House of Commons provide for the use of Welsh in certain parliamentary proceedings, all of which relate to Wales. Similarly, on March 1, 2017, the House passed a resolution that confirms that English is the language of the House of Commons, but Welsh may be used in proceedings of select committees and of the Welsh

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54 Scottish Parliament, Scottish Parliamentary Corporate Body Gaelic Language Plan 2018-23, p. 11; House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 101, May 3, 2018, 1130 (Ms. Linda Orton, Scottish Parliament).

55 Orton, 1130.

56 Scottish Parliament, Scottish Parliamentary Corporate Body Gaelic Language Plan 2018-23, p. 11.

57 *Welsh Language Act 1993*, c. 38; *Welsh Language (Wales) Measure 2011*, 2011 nawm 1.

58 Erskine May: Parliamentary Practice 24th edition, LNUK, p. 429.

Grand Committee.[59] In House committees, the Chair may require that a reasonable notice period be given by those intending to speak Welsh, and may require that points of order be made exclusively in English in order to allow a non-Welsh speaking Chair and Clerk to respond to procedural matters. Hansard now records all contributions made in Welsh in the original language, followed by an English translation.[60]

The Welsh Grand Committee is composed of all members holding Welsh seats and up to five other members. It typically meets once or twice per year. At its meeting of February 2018, 60% of the proceedings were conducted in Welsh with simultaneous interpretation from Welsh into English.[61]

The Welsh Affairs Committee may also use Welsh in its proceedings. Most of its business is conducted in English but advance requests from a witness to give evidence in Welsh may be accommodated. The Committee's meeting held on 27 March 2018 was bilingual, and the transcript included both Welsh and its corresponding English translation.[62]

vii. Legislative Assembly of the Northern Territory (Australia)

Although the Northern Territory does not have an official language,[63] English is the accepted language of government and the language used in the Legislative Assembly.[64] The traditional practice was that a member could speak any language in the assembly with the leave of the Assembly. In 2016, the Standing Orders of the Legislative Assembly of the Northern Territory were amended to state that a member may rise to speak in a language other than English so long as it is immediately preceded by an English oral translation and a tabled written translation. The Committee notes that this practice significantly reduces a member's speaking time, as no additional speaking time is allocated for translation purposes. The member must also make a text of the words spoken in the original language

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59 United Kingdom Parliament, Votes and Proceedings: 1 March 2017, No. 117, p. 3.

60 Ibid.

61 House of Commons Hansard, Welsh Grand Committee, Autumn Budget as it Relates to Wales (Morning sitting), 7 February 2018, col. 1; BBC News, Welsh words flow freely at Welsh Grand Committee, 7 February 2018.

62 House of Commons, Welsh Affairs Committee, Oral Evidence: Prison provision in Wales, HC 742, 27 March 2018.

63 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 104, May 23, 2018, 1925 (Mr. Michael Tatham, Legislative Assembly of the Northern Territory).

64 Tatham, 1935.

available for incorporation into the Parliamentary Record alongside the English text.[65] In 2016, a motion to change the Standing Orders, and allow members to speak a language other than English before providing an English oral translation, was not accepted.[66]

Neither translation nor interpretation services are currently provided in the Legislative Assembly, nor does the Assembly have interpretation infrastructure such as interpretation booths.[67] The Legislative Assembly has previously obtained translation and/or interpretation services for specific outreach projects. The Aboriginal Interpreter Service provided interpretation and translation for legislative outreach committee work seven or eight years ago, where language services were offered in the 17 most commonly used Indigenous languages.[68]

There are estimated to be over 100 different Indigenous languages and dialects spoken in the Northern Territory. There are approximately 70,000 Indigenous people in the Northern Territory (30% of the territorial population), of whom 60% speak an Indigenous language at home or in their community on a daily basis.[69] Of the over 100 different Indigenous languages and dialects spoken in the Northern Territory, many do not have a written form. The Legislative Assembly has included at least one Indigenous member since its inception in 1974.[70]

DISCUSSION

A. Indigenous languages in Canada: a brief summary of testimony

Many of the witnesses who appeared before the Committee framed their comments and recommendations about the use of Indigenous languages in the House of Commons in the broader context of the past, current and future state of Indigenous languages in Canada. While the purpose of the Committee's study is to examine the procedural and practical considerations and implications about the potential use of Indigenous languages in the House, the Committee nonetheless considers it important to capture and present some of

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65 Legislative Assembly of the Northern Territory, Standing Orders (In Force as of 21 April 2016); Tatham, 1930.

66 Tatham, 1930; Legislative Assembly of the Northern Territory, 13th Assembly Standing Orders Committee, Report of Consideration of Reform to Standing Order 23A (Speaking Languages other than English during proceedings of the Legislative Assembly of the Northern Territory) .

67 Tatham, 1940.

68 Tatham, 1935.

69 Tatham, 1915.

70 Tatham, 1915.

the testimony it heard about Indigenous languages in Canada, insofar as this broader context has served to inform the Committee's deliberations on the matter.

To begin with, in the 2016 census, 1.6 million Canadians reported having an Indigenous identity, with 260,000 reporting the ability to conduct a conversation in an Indigenous language.[71] There are currently 58 distinct Indigenous languages in Canada, comprising more than 90 distinct dialects.[72] Of these languages, there are six with more than 10,000 people who reported it was a mother tongue: the Cree languages, Dene, Innu, Inuktitut, Ojibway and Oji-Cree.[73]

However, the Committee heard that since at least the 1940s, concerns have been expressed by Indigenous people about the decline in the use of their languages.[74] Beginning in the 1980s, the Assembly of First Nations passed more than 18 resolutions that called for immediate action to preserve Indigenous languages.[75] Recent census data shows declining trends in the number of people having an Indigenous mother tongue and overall Indigenous language knowledge.[76] Further, the average age of people with an Indigenous mother tongue in 2016 was 36.7 years, which represented an increase of nine years as compared to the 1981 census.[77] Alarmingly, the vast majority of Indigenous languages in Canada are considered "endangered."[78]

The Committee was reminded by several witnesses that the continuing decline over time in the use of Indigenous languages can, at least in part, be attributed to the deleterious effects of certain historical federal governmental policies, in particular the residential school system.[79] According to one witness, an important consequence for many of the

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71 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 97, April 19, 2018, 1100 (Mr. William Fizet, Department of Canadian Heritage).

72 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 99, April 26, 2018, 1205 (Mr. Perry Bellegarde, Assembly of First Nations).

73 Fizet, 1105.

74 Bellegarde, 1205.

75 Ibid.

76 Fizet, 1105.

77 Fizet, 1105.

78 Ibid. The Oxford Research Encyclopedia of Linguistics lists four main criteria to determine whether the use of a language could be considered endangered: 1 - The absolute number of speakers; 2 - The lack of intergenerational transmission; 3 - A decrease in the number of speakers over time; and 4 - Decrease in domains of use.

79 For example, House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 99, April 26, 2018, 1220 (Ms. Ellen Gabriel).

Indigenous people who attended these schools was that they continue to feel ashamed to learn to speak their mother tongue.[80]

Meanwhile, a number of witnesses who appeared before the Committee described the importance of the preservation and revitalization of Canada's Indigenous languages. These witnesses said:

- Languages are an essential element of culture and shape the way we think. We organize our thoughts through language and communicate our culture from generation to generation using language.[81]
- Canada's Indigenous languages need to be protected and preserved, but also developed and revitalized.[82]
- Elders taught younger generations to remember where they were from and their heritage by speaking their Indigenous language.[83]
- Canada's Indigenous languages should be viewed as national treasures.[84]
- Hearing an Indigenous language spoken in public venues brings it visibility and positively impacts its status and future vitality.[85]
- Supporting the use of Indigenous languages in Parliament sends a strong signal to Indigenous youth that their ancient and precious languages are validated and of worth in today's contemporary society. The opportunity complements the spirit of reconciliation between Indigenous and non-

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80 Ibid.

81 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 99, April 26, 2018, 1105 (Dr. Arok Wolvengrey, First Nations University of Canada).

82 R. Saganash, 1210.

83 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 99, March 22, 2018, 1120 (Ms. Georgina Jolibois, member for Desnesthé – Missinippi – Churchill River).

84 Bellegarde, 1215.

85 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 97, April 19, 2018, 1130 (Mr. Jean-Pierre Corbeil, Statistics Canada).

Indigenous Canadians.[86] It would also promote pride in the continued use of Indigenous languages amongst Indigenous youth.[87]

- Allowing the use of Indigenous languages in Parliament would enhance the symbolic status and function of Indigenous languages at the federal level. It would promote these languages, the communities attached to them, and the contributions of Indigenous people to Canadian heritage.[88]

Currently, Canada's House of Commons has Indigenous members of Parliament among its membership.[89] The Committee heard with interest that prior to the election to the House of Mr. Romeo Saganash, MP, the member for Abitibi—Baie-James—Nunavik—Eeyou, there was no word in the Cree language for "member of Parliament." Following consultation with elders, the word *yimstimagesu,* or "he or she who speaks on your behalf" was created for use in East Cree.[90]

Faced with the same issue, only for the western dialects of Cree, the member from Winnipeg Centre consulted with Cree elders and linguists to develop the word *otapapistamâkew,* or "one who represents or speaks on behalf of others."[91]

The Committee heard that the Eeyou Istchee James Bay Regional Government uses simultaneous interpretation of English, French and Cree during council meetings.[92] Simultaneous interpretation is a practical necessity given members' diverse linguistic abilities, but it also fosters transparency, accountability, and inclusion.[93] Council

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86 Gabriel, 1225.

87 Jolibois, 1115.

88 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 100, May 1, 2018, 1210 (Mr. Jérémie Séror, University of Ottawa).

89 R. Saganash, 1225.

90 R. Saganash, 1210.

91 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 94, March 22, 2018, 1210 (Mr. Robert-Falcon Ouellette, member for Winnipeg Centre).

92 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 100, March 22, 2018, 1225 (Ms. Melissa Saganash, Eeyou Istchee James Bay Regional Government).

93 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 100, March 22, 2018, 1255 (Ms. Johanne Lacasse, Eeyou Istchee James Bay Regional Government).

proceedings are publically broadcast, and these initiatives have increased youth political engagement in local government.[94]

The Committee also heard that the Assembly of First Nations, at its May 2018 Special Chiefs' Meeting, would be using—and interpreting—Indigenous languages in its proceedings for the first time

B. Translation and interpretation services at the House of Commons

Translation is the process of rendering a written text from one language into another. Interpretation is distinct from translation.[95] Simultaneous interpretation is the process of providing an oral translation, at the same rate of speech to the speaker, with a very short lag time between the delivery of the speech and the actual interpretation. Consequently, simultaneous interpretation is not a word-for-word rendering of the original message. It provides the context and intent of the message without necessarily including all of the details or stylistic elements that would be possible in a written translation.[96] Relay interpretation is a subset of simultaneous interpretation, where the original language is interpreted from the original language into a relay language, and then into a third language For example, in order to receive simultaneous interpretation in language C, language A is translated into language B and language B into language C. In this example, the relay language is language B. This relay can often lead to a reduction in the accuracy or quality of the information provided to the listener.

Interpreters can be certified as conference, community, medical, or court interpreters. Conference interpreters typically work in sound-proof booths providing simultaneous interpretation. They work primarily for conferences and for legislative assemblies, such as the House of Commons. Unlike conference interpreters, community interpreters are observable when working and participate in the dialogue by listening to the client or service provider, and then relaying the information or question to the other party. Typical work situations include medical appointments for immigrant families, visits by social workers, or meetings between attorneys and refugee claimants.[97]

The Government of Canada's Translation Bureau, which is part of the Department of Public Works and Government Services, is mandated by statute to be the exclusive provider of translation and interpretation services for all federal government departments and

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94 M. Saganash, 1255.

95 Déry, 1145.

96 Déry, 1145.

97 Williams, 1110.

agencies, as well as to Parliament. Currently, it provides services in over 100 languages and dialects 24 hours a day, seven days a week.[98]

In 2017-18, the Translation Bureau received 760 Indigenous language requests, or about 0.5% of the total volume of requests. Of the 760 requests, nearly 85% were for Inuit languages.[99] To respond to Indigenous languages requests, the Bureau maintains a list of about 100 interpreters able to work in 20 different Indigenous languages. Since 2016, the Bureau has provided simultaneous interpretation in Indigenous languages in Parliament on a total of 33 days.

The Committee heard that the Translation Bureau would consider it its duty to meet any increase in the demand for services in Indigenous languages.[100] In order to do so, the Bureau would be prepared to play an active role in helping to increase the capacity of Indigenous language interpreters and translators in Canada. It was noted that currently the capacity of skilled interpreters in Canada's approximately 90 Indigenous languages was limited, as was the Bureau's ability to assess their language skills.[101] More structured demand from Parliament would contribute to improving many aspects of Indigenous language service delivery.[102]

Currently, the simultaneous interpreters for English and French working in Parliament are required to possess a master's degree from a recognized university program and are certified by Board of Examiners of the Canadian Translators, Terminologists and Interpreters Council.[103] The Committee heard this degree of rigour was important because the consequences of an interpreter committing an error can be significant and because interpreters must be capable of interpreting immediately without the opportunity to refine, edit or revise the interpretation.[104]

In order to become certified by the Board of Examiners, an interpreter can either:

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98 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 100, May 1, 2018, 1105 (Mr. Stéphan Déry, Department of Public Works and Government Services).

99 Ibid.

100 Ibid.

101 Déry, 1110.

102 Déry, 1145.

103 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 101, May 1, 2018, 1105 and 1110 (Mr. Malcolm Williams, Canadian Translators, Terminologists and Interpreters Council).

104 Williams, 1105.

- Pass a certification exam run by a provincial professional association affiliated with the national board; or

- Provide sufficient proof of experience, such as number of years interpreting, samples of work and references.[105]

However, it should be noted that certification is not a requirement to be able to simultaneously interpret Indigenous languages in Canada and that there are currently no certified Indigenous language interpreters.[106]

The Committee also heard that simultaneous interpreters are bound, in each province, by a code of ethics that requires them to only interpret languages for which they have "excellent knowledge" of, if not "mastery."[107] Interpreters need to fully understand both the source language being spoken and the target language into which they will render the source language.

C. The Path Forward

The Committee remains keenly aware that its study on the use of Indigenous languages in the House of Commons takes place during a time when historically significant changes are being contemplated to the relationship between Canada's Indigenous and non-Indigenous peoples. The recognition of the special status of Indigenous languages in the House of Commons is an important step in this reconciliation.

During its study, numerous witnesses stated that Indigenous languages are central to the cultures and identities of Indigenous peoples but that the continued existence of these languages in Canada is in serious peril. The Committee considers these findings to be alarming and troubling.

Many witnesses also expressed the view that granting members of Parliament the right to speak in an Indigenous language and be immediately understood during the proceedings of the House of Commons and its committees would recognize the important and distinct place held by Indigenous peoples as the original inhabitants of this land.

The right of members of the House of Commons to speak in English and French in the House's proceedings has been constitutionally protected since its first sitting. The Committee is convinced that the inability of members to speak in an Indigenous language

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105 Williams, 1110.

106 Williams, 1125.

107 Déry, 1115. See for example: *Society of Translators and Interpreters of British Columbia*, "Code of Ethics."

in the House and be understood immediately is not consistent with current Canadian values, nor with the spirit of the on-going reconciliation between Canada's Indigenous and non-Indigenous peoples.

As such, the Committee recommends:

That the use of Indigenous languages be recognized in the House of Commons according to the process set out in this report.

i. Approach to implementation and miscellaneous considerations

The Committee is of the view that the process for implementing the use of Indigenous languages in the proceedings of the House of Commons and its committees ought to be incremental. The Committee agrees with the advice it heard about starting small and building on successes.[108]

In more general terms, the Committee recommends that the implementation of the use of Indigenous languages in the House be guided by the principles of flexibility, practicality, reasonableness and respect. In regards to the latter, the process to be followed should attempt to strike a balance between respecting the inherent value of Indigenous languages and respecting the longstanding and time-tested practices of the House of Commons.

- *Declaration of Indigenous language ability*

During any Parliament, all members who desire to speak an Indigenous language in the House of Commons should notify the Clerk of the House of Commons in writing and provide information on the Indigenous language(s) they are capable of speaking and intend on using at a future date in the House or its committees. The purpose of this declaration is to provide House Administration and the Translation Bureau the earliest possible opportunity to establish a registry of interpreters for Indigenous languages that may be called upon, with reasonable notice, to provide simultaneous interpretation and/or translation of House or committee proceedings, or informal parliamentary meetings where interpretation services can otherwise be requested under the current system, for example, caucus meetings.

This declaration process should be repeated at the start of each subsequent Parliament and during a Parliament for newly elected members or members who acquire the ability to use an Indigenous language.

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108 Déry, 1140.

- *Notice given by members for Indigenous language use*

To begin with, the Committee recommends that members be required to give reasonable notice in writing to the Clerk of the House of Commons of their intention to speak in an Indigenous language during a future sitting of the House or committee meeting. In practice, this notice requirement would be similar to that which exists in the Senate of Canada. In the Senate, reasonable notice is not defined; instead, the intention of the term "reasonable" is to provide for flexibility in finding available and qualified simultaneous interpreters. In the case of the House, prospectively, reasonable notice for Indigenous language use would include the time required to obtain interpretation services and make technical arrangements. In addition, the Committee acknowledges that the technical requirements for the use of Indigenous languages in the Chamber differ from those in House committees.

A number of witnesses, including all three members of Parliament, indicated that they agreed advance notice prior to speaking an Indigenous language in House proceedings would be beneficial for ensuring the best possible interpretation is provided to members listening.[109]

- *Options for speaking in an Indigenous language during House of Commons proceedings*

The Committee envisions that members seeking to speak any Indigenous language in House of Commons proceedings would avail themselves of the following different options. By prior arrangement, in cases where an Indigenous language interpreter is both available and present to interpret a spoken Indigenous language, the member could:

- Prior to rising and speaking in an Indigenous language, provide written copies of his or her remarks in English or French and the Indigenous language to a Clerk at the Table for delivery to the simultaneous interpreters. In this case, the member's speech would be immediately interpreted into English and French, using a relay language when required.

- Rise and speak without providing any written copies of his or her remarks in an Indigenous language. The member's speech would be immediately read in English and French, using a relay language when required. Where a member does not provide any written copies in the Indigenous language, the obligation to have the member's remarks transcribed and

109 Jolibois, 1130; Ouellette, 1230; and Saganash, 1210 and 1230.

translated for inclusion at a later date in the Debates would belong to House of Commons Administration.

In cases where an Indigenous language interpreter is not present to interpret a spoken Indigenous language, the member could:

- Prior to rising and speaking in an Indigenous language, provide written copies of his or her remarks in English or French and the Indigenous language to the Clerk at the Table for delivery to the simultaneous interpreters. In this case, the member's speech would be immediately read in English and French. The Committee is of the view that translations of Indigenous language texts provided by members to the English and/or French interpreters must be read by the interpreters. The Committee acknowledges that placing an obligation on a simultaneous interpreter to render a speech into English or French from a language that he or she does not fully understand potentially represents a contravention of the interpreter's obligations under their provincially established code of ethics. Nonetheless, the Committee has heard that such instances can arise in the course of an interpreter's work. In such cases, the interpreter could make a statement prior to reading the remarks written by another person to clarify that he or she is reading a statement, and that it is not his or her own work.[110]

- Rise and speak in an Indigenous language without providing any written copies of his or her remarks. The member's speech would not be immediately interpreted into English and French. Members should be cognizant, though, of the Committee's concern, expressed above, that the ability of all members to carry out their parliamentary functions is adversely affected when a member speaking cannot be understood. Where a member does not provide any written copies of his or her Indigenous language remarks, the obligation to have the member's remarks transcribed and translated for inclusion at a later date, but not later than the end of the Parliament, in the Debates would belong to House of Commons Administration.

Further, the Committee wishes to express its firm view that the speech of a member who rises and speaks in an Indigenous language during the proceedings of the House, with or

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110 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1st Session, 42nd Parliament, Meeting 100, May 1, 2018, 1105 (Mr. Stéphan Déry, Department of Public Works and Government Services).

without simultaneous interpretation into English and French, should be permitted and considered procedurally in order. It is the Committee's desire that the unquestioned use of Indigenous languages in House proceedings becomes an established practice over time.

The Committee acknowledges that, in practice, this may preclude a member who speaks in an Indigenous language during Question Period, questions and comments, and other extemporaneous proceedings of the House, from being understood in real time.

- *Indigenous languages used in proceedings: transcription in the official records of the House of Commons*

The Committee recommends that the written text of an Indigenous language speech made in the House be inserted at a later date, but not later than the end of a Parliament, into both the English and French versions of the Debates (Hansard) of the House of Commons, ahead of the same words in the relevant official language. Members may provide, on their own initiative or upon request from Parliamentary Publications, an electronic copy of their remarks to expedite the inclusion of the text in the Debates (Hansard) or committee Evidence, should such an electronic copy be available.

However, should the execution of this task create administrative difficulties and/or undue delays in the production of the official records of the House, the Committee is comfortable with the House of Commons Administration exploring how best to implement this recommendation and reporting back to the Committee at a later date with proposed solutions.

- *Miscellaneous matters*

Relay languages: In providing simultaneous interpretation from one language into two or more other languages, interpretation through a relay language may sometimes be necessary. The Committee heard that there is an expected and natural diminution in the quality of the interpretation when employing relay languages. However, the Committee is comfortable in recommending that, where necessary, relay languages be used in order to render an Indigenous language into English and French in speeches and statements made in the House of Commons.

Remote interpretation: Representatives of the Translation Bureau told the Committee that the viability of remote interpretation has been and continues to be explored. Currently, the two issues of concern in the provision of this service are audio quality and bandwidths, which result in disruptions in the audio for interpreters and clients alike.[111] As

111 Déry, 1110.

such, the Committee does not recommend that remote interpretation be employed until such time as the Translation Bureau is confident that the interpretation can be delivered seamlessly. The Committee, however, is encouraged by advances in information and communications technology, which might soon lead to an alternative solution that will require less expense and less disruption in the lives of the interpreters' other clients. Therefore, the Committee recommends that the Translation Bureau continue with its efforts to find a workable remote interpretation system.

Availability and qualification of interpreters: During its study, the Committee heard that, in comparison to simultaneous interpreters and translators who work in English and French, there are markedly fewer who work in Indigenous languages, which could give rise to practical issues of availability. Similarly, the Committee also heard that, in the past, the Translation Bureau has experienced difficulties in identifying interpreters with parliamentary experience in Indigenous languages, with the exception of Inuktitut.[112] Furthermore, currently there are no Indigenous language interpreters certified by the Canadian Translators, Terminologists and Interpreters Council.

The Committee is confident that, should Parliament provide a structured, continuous demand for Indigenous interpreters and translators, the Translation Bureau will continue to actively engage with Indigenous communities and organizations to increase its interpretation and translation capacity in Indigenous languages.

Physical and technical constraints: The Committee was told that interpreters' booths can be set up in committee rooms and that the newly renovated West Block has been designed with a third interpreters' booth. However, the issue remains that the physical layout of the current House of Commons only has space for two interpreters' booths. As such, the Committee understands that the House of Commons Administration needs to consider appropriate options to provide for simultaneous interpretation from an Indigenous language into both English and French in the current House of Commons.

- *Member's Office Budget*

During his appearance before the Committee, Mr. Saganash raised that the expenses incurred as part of a Member's Office Budget for purposes related to Indigenous language use might not be permitted under the current *Members By-Law*.[113] The Committee is of the view that members' expenses related to Indigenous language use should be acceptable, provided that they are for carrying out parliamentary functions and duties.

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112 Déry, 1110.

113 Saganash, 1245.

Therefore, Committee recommends

That the Board of Internal Economy examine and consider ensuring that expenses on the part of members related to Indigenous language use for the purpose of carrying out their parliamentary functions and duties be authorized under the *Members By-Law*.

- *Review*

Without prejudice to the Committee sooner reviewing the process for recognizing Indigenous language use in the House or adjusting elements of the process, the Committee should undertake a review of the process once five years' experience have been acquired with its operation.

APPENDIX A
LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Romeo Saganash, M.P., Abitibi—Baie-James—Nunavik—Eeyou	2018/03/20	93
House of Commons		
André Gagnon, Deputy Clerk, Procedure		
Charles Robert, Clerk of the House of Commons		
Georgina Jolibois, M.P., Desnethé—Missinippi—Churchill River	2018/03/22	94
Robert-Falcon Ouellette, M.P., Winnipeg Centre		
Hon. Serge Joyal, Senator	2018/03/27	95
Hon. Dennis Glen Patterson, Senator		
Legislative Assembly of the Northwest Territories		
Danielle Mager, Manager Public Affairs and Communications		
Yukon Legislative Assembly		
Floyd McCormick, Clerk of the Assembly		
Legislative Assembly of Nunavut	2018/04/17	96
John Quirke, Clerk of the Legislative Assembly		
As an individual	2018/04/19	97
Cheryle Herman, Dene Language Revitilization Coach		
Department of Canadian Heritage		
William Fizet, Director General Citizen Participation		
Hubert Lussier, Assistant Deputy Minister Citizenship, Heritage and Regions		
Statistics Canada		
Pamela Best, Assistant Director Social and Aboriginal Statistics Division		
Jean-Pierre Corbeil, Assistant Director Social and Aboriginal Statistics Division		

Organizations and Individuals	Date	Meeting
Statistics Canada	2018/04/19	97
Vivian O'Donnell, Analyst Social and Aboriginal Statistics Division		
As an individual	2018/04/26	99
Ellen Gabriel		
Assembly of First Nations		
National Chief Perry Bellegarde		
Miranda Huron, Director of Languages		
Roger Jones, Special Advisor to the National Chief		
First Nations University of Canada		
Arok Wolvengrey, Professor Algonquian Languages and Linguistics, Department of Indigenous Languages, Arts and Cultures		
As an individual	2018/05/01	100
Jérémie Séror, Director and Associate Dean Official Languages and Bilingualism Institute, University of Ottawa		
Department of Public Works and Government Services		
Matthew Ball, Acting Vice-President Translation Bureau		
Stéphan Déry, Chief Executive Officer Translation Bureau		
Eeyou Istchee James Bay Regional Government		
Johanne Lacasse, Director General		
Melissa Saganash, Director of Cree-Québec Relations Grand Council of the Crees/Cree Nation Government		
Canadian Translators, Terminologists and Interpreters Council	2018/05/03	101
Malcolm Williams, Co-Chair, Board of Examiners		
Scottish Parliament		
Bronwyn Brady, Sub-Editor, Official Report		
Ruth Connelly, Head of Broadcasting		
Linda Orton, Head of Public Information and Resources		

Organizations and Individuals	Date	Meeting
Legislative Assembly of the Northern Territory Michael Tatham, Clerk of the Legislative Assembly	2018/05/23	104

APPENDIX B
LIST OF BRIEFS

Organizations and Individuals

National Assembly of Quebec

MINUTES OF PROCEEDINGS

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 93, 94, 95, 96, 97, 99, 100, 101, 102, 104, 105, 108 and 116) is tabled.

Respectfully submitted,

Hon. Larry Bagnell, P.C., M.P.

Chair